



House Bill No. 5371

Public Act No. 06-108

**AN ACT CONCERNING EXTENDED REPORTING PERIOD
COVERAGE UNDER MEDICAL MALPRACTICE INSURANCE
POLICIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 38a-394 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Each professional liability insurance policy issued on a claims-made basis that is delivered, issued for delivery or renewed in this state on or after October 1, 1978, shall contain (1) a provision for the purchase of prior acts coverage, and (2) a contractual right of the insured to purchase at any time during the policy period and not later than thirty days after termination of such policy period equivalent coverage for all claims occurring during an insured policy period regardless of when made.

(b) Each professional liability insurance policy issued on a claims-made basis that is delivered, issued for delivery or renewed in this state on or after October 1, [2005] 2006, to a physician or surgeon, hospital, advanced practice registered nurse or physician assistant shall provide [prior acts coverage and] unlimited extended reporting

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period coverage without additional charge to the insured if, while the insured is covered under the policy, [(1) the insured dies, becomes permanently disabled and unable to carry out his or her practice, or retires permanently from practice, or (2)] the insurer discontinues offering such policy in this state [for any reason] as a result of a voluntary withdrawal from this state and the insured [(A) is over the age of fifty-five, and (B)] (1) is sixty years of age or older, or (2) has been insured by the insurer for the [seven] five consecutive years immediately preceding the discontinuance. [Prior acts coverage and unlimited] Unlimited extended reporting period coverage under this subsection shall be enforceable against an insurer that discontinues offering such policy in this state, [for any reason prior to the insured's death, disability or retirement,] provided the insured is covered under the policy on the date [the] such insurer discontinues offering the policy. The insurer shall provide such [coverage upon death, disability or retirement in the same manner as if the insurer continued offering such policy in this state] unlimited extended reporting period coverage with equivalent terms and conditions and with an aggregate liability limit at least equal to the aggregate liability limit specified in the policy.

Approved June 2, 2006